

KCB:AP/ML/RSB  
F. #2023R00837

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
----- X

UNITED STATES OF AMERICA

- against -

DANIEL HORTON,  
RYAN NIEVES and  
CALEB SMITH,

Defendants.

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FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
\* JUNE 20, 2024 \*  
BROOKLYN OFFICE

I N D I C T M E N T

Cr. No. 24-CR-261

(T. 18, U.S.C., §§ 924(c)(1)(A)(i),  
924(c)(1)(A)(ii), 924(d)(1), 981(a)(1)(C),  
1951(a), 2 and 3551 et seq.; T. 21,  
U.S.C., § 853(p); T. 28, U.S.C.,  
§ 2461(c))

Judge Eric N. Vitaliano  
Magistrate Judge Lara K. Eshkenazi

THE GRAND JURY CHARGES:

COUNT ONE  
(Hobbs Act Robbery Conspiracy)

1. In or about September 2023, within the Eastern District of New York and elsewhere, the defendants DANIEL HORTON and RYAN NIEVES, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of United States currency from a smoke shop located at 55 Cumberland Street in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT TWO  
(Hobbs Act Robbery)

2. On or about September 10, 2023, within the Eastern District of New York and elsewhere, the defendants DANIEL HORTON and RYAN NIEVES, together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of

articles and commodities in commerce, by robbery, to wit: the robbery of United States currency from a smoke shop located at 55 Cumberland Street in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT THREE  
(Hobbs Act Robbery Conspiracy)

3. In or about September 2023, within the Eastern District of New York and elsewhere, the defendants DANIEL HORTON, RYAN NIEVES and CALEB SMITH, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of United States currency from a bodega located at 658 Franklin Avenue in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT FOUR  
(Hobbs Act Robbery)

4. On or about September 23, 2023, within the Eastern District of New York and elsewhere, the defendants DANIEL HORTON, RYAN NIEVES and CALEB SMITH, together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of United States currency from a bodega located at 658 Franklin Avenue in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT FIVE  
(Possessing and Brandishing a Firearm During a Crime of Violence)

5. On or about September 23, 2023, within the Eastern District of New York and elsewhere, the defendants DANIEL HORTON, RYAN NIEVES and CALEB SMITH, together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a crime of violence, to wit: the crime charged in Count Four, and did

knowingly and intentionally possess such firearms in furtherance of said crime of violence, one or more of which firearms was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 2 and 3551 et seq.)

**CRIMINAL FORFEITURE ALLEGATION  
AS TO COUNTS ONE THROUGH FOUR**

6. The United States hereby gives notice to the defendants that, upon their conviction of any of the offenses charged in Counts One through Four, the government will seek forfeiture in accordance with: (a) Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which requires any person convicted of such offenses to forfeit any property, real or personal, constituting or derived from proceeds obtained directly or indirectly as a result of such offenses; and (b) Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any violation of any other criminal law of the United States.

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided

without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property

described in this forfeiture allegation.

(Title 18, United States Code, Sections 924(d)(1) and 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

**CRIMINAL FORFEITURE ALLEGATION  
AS TO COUNT FIVE**

8. The United States hereby gives notice to the defendants that, upon their conviction of the offense charged in Count Five, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 922 or Section 924.

9. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL

*[Signature]* /S/  
FOREPERSON

*By Carolyn Pokorny, Assistant US Attorney*

**BREON PEACE**  
**UNITED STATES ATTORNEY**  
**EASTERN DISTRICT OF NEW YORK**